

Members

Rep. David Crooks, Chairperson
Rep. Tiny Adams
Rep. Robert Cherry
Rep. C. Michael Herndon
Sen. Thomas Wyss
Sen. Charles Meeks
Sen. John Broden
Sen. Mark Blade



PUBLIC SAFETY MATTERS EVALUATION COMMITTEE

LSA Staff:

Karen Firestone, Fiscal Analyst for the Committee
Anne Haley, Attorney for the Committee

Authority: IC 2-5-21-10

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

MEETING MINUTES¹

Meeting Date: October 23, 2002
Meeting Time: 10 A.M.
Meeting Place: State House, 200 W. Washington St.,
156A
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Rep. David Crooks, Chairperson; Rep. Robert Cherry; Rep. C. Michael Herndon; Sen. Thomas Wyss; Sen. Charles Meeks.

Members Absent: Rep. Tiny Adams; Sen. Mark Blade; Sen. John Broden.

Call to order.

The meeting was called to order at 10:10 am by Representative David Crooks, Chairperson. He asked the members to introduce themselves.

Issues relating to Office of the State Fire Marshal

Karen Firestone, Program Analyst, Legislative Services Agency (LSA), presented the LSA report, "Issues Relating to the Office of the State Fire Marshal." (Exhibit 1) She highlighted the written report that reviewed six primary responsibility of the Office of the State Fire Marshal (OSFM) including design release, fire safety inspections, fire safety training, arson investigation, fire incident data collection, and hazardous materials response.

Rep. Crooks called on Tracy Boatwright, State Fire Marshal to address the committee. Senator Thomas Wyss asked if the OSFM has difficulty receiving information from local fire departments. Mr. Boatwright explained that OSFM purchased software for distribution to local fire departments for better data collection. He praised the OSFM employee who is visiting locals and enlisting their cooperation, and as a result, now has 376 fire departments reporting to the

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

state including Marion County. Additionally, Mr. Boatwright indicated that OSFM reviews lists of federal grant recipient, because the terms of the federal grants require fire departments to report to the state. The OSFM reports to the grant maker on noncompliance.

Sen. Wyss asked about the adoption of local fire safety code, confirming that the code must be more stringent than the state code and incorporate any newly enacted state laws. Mr. Boatwright indicated that in most cases locals make the code more stringent with ordinances concerning parking near fire hydrants, schools, or malls.

Senator Charles Meeks asked about the redundancy of fire safety inspections by state and local fire officials and who pays for inspections. Mr. Boatwright answered that the state pays for those inspections required in statute and that local fire departments pay for the inspections that they perform. Also, he indicated that he would look at the possibility of accepting reports from local fire departments. Mr. Mike Bigler, Deputy State Fire Marshal, indicated that about 80% of fire departments are volunteer and not required by statute to perform inspections. The OSFM concentrates inspection efforts in the areas served by volunteer departments.

In further questioning by Representative C. Michael Herndon, Mr. Boatwright indicated that statute does not require inspection of one- or two-family dwelling, because of privacy issues and that the OSFM follows up on reports of suspicious fires from insurers with the cooperation of the local fire chief. Mr. Boatwright indicated that pay rate is a problem in attracting and retaining quality fire inspectors. He said there are an estimated 44,000 Class 1 structures in the state that require inspection on an annual or periodic basis and only 20 inspectors. He indicated that as a result of having fewer investigators than other states, if a fire occurs on a Friday, his office may not begin an investigation until early in the following week, unless there is a death.

Mr. Boatwright commented to the committee that reorganization of the statute to centralize the responsibilities of the OSFM would be useful. He acknowledged that Y2K pushed the OSFM to computerize and that the paper records were insufficient for review. Mr. Boatwright highlighted several programs that the OSFM had undertaken including college fire safety training and a preschool "learn not to burn" program. He was pleased to report to the committee that all of Indiana's arson investigators are certified, an accomplishment not attained by many states. The State Fire Marshal indicated that part of his staff had been transferred to PSTI, resulting in many training responsibilities being transferred as well.

Mr. Bigler was called upon to tell the committee about counterterrorism activities at the OSFM. He indicated that the OSFM had offered special training for hazardous materials teams at local fire department and had worked with military hazardous materials teams who would back up the OSFM in the case of emergency. In response to a question from Sen. Meeks, Mr. Bigler indicated that often a private insurer or responsible party pays for hazardous materials response. The mobile support law allows the OSFM to recover costs through State Emergency Management Agency (SEMA) funds, when there is no private payer. Sen. Wyss indicated that there was legislation to change the statewide mutual aid department from a opt in system to an opt out system.

Mr. Boatwright said that the OSFM would identify areas of code that need updating or changed to reflect current practice, in response to a question from Rep. Crooks.

Sen. Meeks asked if Indiana should have a fire academy. Mr. Boatwright answered that a study was done indicating a need for an academy. He indicated that a bricks and mortar academy would provide a facility to incorporate the various groups concerned with fire safety training. He said that Ivy Tech had been contacted concerning distance learning. Mr. Boatwright indicated funding issues had prevented building a fire academy. This led to a discussion of the Fire Insurance Premium Tax which requires fire insurance companies to pay ½% of gross premiums

to the state (IC 22-12-6-5). Mr. Boatwright indicated that the state receives 2% of gross premiums, but the OSFM or Fire and Building Services Fund receives only ½% or about \$2.0 million in FY 2001.

Update on the Indiana State Police

The chairman called on Mr. Les Miller, Special Council, Indiana State Police, to update the committee on Hoosier SAFE-T. Mr. Miller provided a packet of materials to the committee (Exhibit 2). Indiana is ahead of other states in installing integrated systems. The federal government considers integrated systems an important goal in the war against terrorism. Mr. Miller showed the Committee a map of Indiana divided into quadrants and indicated that all of the state would be part of the system by 2006.

Mr. Miller said that, at this point in the project, only existing towers had been used. In Morristown, construction had been undertaken to upgrade an old police tower. Mr. Miller indicated that Johnson County had been the first test of the integrated system and that Mr. Joe Pitcher, Executive, Johnson County was available to testify before the committee.

Mr. Miller stated that the process was taking a long time, because the state was meeting with locals and assessing their needs and problems. He indicated that design review has resulted in a cost savings of about \$500,000 per tower, that towers now cost on average about \$500,000 (although costs will vary based on conditions), and that IPS is taking advantage of bankruptcies resulting in discount prices on equipment. Mr. Miller said that IPS has leveraged some federal dollars through INDOT, and that the passage of the Homeland Security Act by Congress would provide money for local units to purchase equipment. Further, local units did not have to buy a new system to get on onto the state system.

Sen. Meeks asked if systems could now work across manufacturers. Mr. Miller explained that there is a trunking mechanism and a conventional mode and that systems could talk if they are properly aligned. In response to another question, Mr. Miller indicated that Motorola will provide all the equipment for the state and has guaranteed 95% coverage with 95% reliability. There will be a tower locator who will first find greenfield locations for new towers, and then accept bids from tower builders. The best price will receive the contract. Once tower builders have been identified, the state may contract for a multiple site discount.

Mr. Dick Mitchell, Project Manager, Motorola, answered a question concerning use of satellites, indicating that two-way communication capabilities were limited, as is the usefulness inside buildings. Sen. Meeks pointed out that the military uses satellites for two-way communication worldwide. Mr. Mitchell indicated that what is available for military use is not available for state or local government or commercial use.

Indiana recently hosted a meeting of surrounding states to discuss cross-state communications. Mr. Miller indicated that all states were interested in working together and that the only limitation was technology.

Mr. Pitcher was called on to discussed how well the new system had worked in Johnson County during the recent tornados. He indicated that in comparison to tornados in 1996, recovery had happened much quicker and that other departments offering assistance were able to communicate through the system.

Mr. Kelvis Williams, Major, Indiana State Police, was then asked to address counterterrorism activities at the Indiana State Police. He enumerated the many taskforces with which he has participated and outlined plans that he had for further activity. Sen. Meeks raised concerns about Major Williams knowing about nuclear waste shipments going through Indiana. Major

Williams indicated that he would make the connections necessary so that he is informed.

Sen. Wyss comment that there has been unprecedented communication among agencies and governments involved in counterterrorism.

Issues Relating to the Department of Health - Fiscal Information Process

Ms. Firestone presented the LSA report on the fiscal information process at the Department of Health (ISDH). (Exhibit 3) Mr. Zack Cattell, Legislative Liaison, ISDH, discussed some ways in which the process may change. This may include reducing the number of review steps.

Recommendations

After taking testimony and considering issues in the LSA reports, the committee considered the following recommendations concerning the Fire Marshal:

The Committee recommends that the State Fire Marshal review the statutes concerning the responsibilities of the Office of the State Fire Marshal and the position of State Fire Marshal, and make recommendations to the General Assembly concerning the current practice compared to the requirements in statute, and the organization of responsibilities within statute.

The Committee recommends that the General Assembly consider this review by the State Fire Marshal and encourages the General Assembly to take action to improve the statutory requirements for the Office of the State Fire Marshal and the State Fire Marshal position.

Upon a proper motion and second, the motion to approve the recommendation passed by a vote of 5 to 0.

The meeting was adjourned at 1:00 p.m.